

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WARDELL L. TYREE,	:	CIVIL ACTION NO. 1:07-CV-0175
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
FEDERAL BUREAU OF PRISONS,	:	
et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 9th day of April, 2007, upon consideration of the report of the magistrate judge (Doc. 8), recommending that plaintiff's application to proceed *in forma pauperis* be granted and that plaintiff's claim under the Freedom of Information and Privacy Act ("the Act") be dismissed,¹ see 5 U.S.C. §§ 552, 552a, to which plaintiff filed an objection (Doc. 10), and, following an independent review of the record, it appearing that the Federal Bureau of Prison's sentence computation sheet is exempt from the Act's requirements, see Thomas v. Aschroft, No. 3:CV-05-0090, 2006 WL 860136, at *4 (M.D. Pa. Mar. 30, 2006) (noting that the Federal Bureau of Prison's Inmate Central Record System documents are exempt from the the Act's requirements); see also 28 C.F.R. § 16.97(j) (implementing a rule

¹ Plaintiff concurs in the dismissal of his claim against defendant Warden Cameron Lindsay. (See Doc. 10 at 5); see also Chocallo v. Bureau of Hearings and Appeals, 548 F.Supp. 1349, 1369 (E.D. Pa 1982) (stating that the Act creates a remedy for inaccurate records only against the appropriate agency, not the individual employees of the agency).

exempting the Inmate Central Record System documents from the requirements of 5 U.S.C. § 552a(e)(1), (5)),² it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 8) is ADOPTED.
2. The application to proceed *in forma pauperis* (Doc. 6) is GRANTED.
3. The complaint (Doc. 1) is DISMISSED for failure to state a claim. See 28 U.S.C. § 1915(e)(2)(B).
4. Leave to amend is DENIED as futile. See Grayson v. Mayview State Hosp., 293 F.3d 103, 108 (3d Cir. 2002).
5. Any appeal from this order is DEEMED frivolous and not in good faith. See 28 U.S.C. § 1915(a)(3).
6. The Clerk of the Court is directed to CLOSE the above-captioned case.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

² See 5 U.S.C. § 552a(e)(5) (requiring that “[e]ach agency that maintains a system of records shall . . . maintain all records which are used by the agency by the agency in making any determination about any individual with such accuracy . . . as is reasonably necessary to assure fairness to the individual”).